

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ANNALISA VIEIRA, individually and on
behalf of her infant child A.V.,

21-CV-648 (PAC)(SLC)

Plaintiffs,

INFANT COMPROMISE
ORDER

-against-

ISAIAH HEADLEY, EDWIN IKENATA,
ALECIA BROWN-SMITH, REBECCA MARTINS,
DARIA DIETZ, PATRICIA McCOLLIN,
and CITY OF NEW YORK,

Defendants.

-----X
Upon the declaration of Annalisa Vieira, the adult plaintiff herein, signed on November 11, 2022, and the declaration of Carolyn A. Kubitschek, attorney for plaintiffs herein, signed on November 28, 2022, and due deliberation having been had thereon, and upon consideration of the issues and claims in the litigation, the proffers of evidence, and the parties having settled this case, and it appearing that the best interest of the infant plaintiffs would be served by approval of the proposed compromise in settlement, now, on the motion of Carolyn A. Kubitschek, attorney for infant plaintiffs herein, it is hereby;

ORDERED, that the plaintiff, Annalisa Vieira, is hereby authorized and empowered, in the interest of herself and her child A.V., born 2013, to settle and compromise their claims against defendants for the sum of one hundred and seventy five thousand dollars, (\$175,000.00), plus costs and attorney fees (which will be paid directly to plaintiffs' attorneys), in full satisfaction of all plaintiffs'

claims against defendants other than the aforementioned costs, expenses, and attorneys' fees; and it is further

ORDERED, the sum of one hundred and thirty-five thousand dollars, (\$135,000.00), is to be received by plaintiff, to be deposited into an interest-bearing savings account at a bank selected by adult plaintiff Annalisa Vieira, to be held for A.V. until the event of his 18th birthday, at which time infant plaintiff A.V. shall receive one-fourth (1/4) of the total in the account, the remainder of which shall be held until the event of his 19th birthday, at which time A.V. shall receive one-third (1/3) of the balance of said account, the remainder of which shall be held until the event of his 20th birthday, at which time A.V. shall receive one-half (1/2) of the balance of said account, the remainder of which shall be held until the event of his 21st birthday, at which time A.V. shall receive the whole of said account; and is further

ORDERED, that Annalisa Vieira shall receive the sum of forty thousand dollars (\$40,000.00), which shall be paid by City Defendants in accordance with the Stipulation and Order of Settlement and Discontinuance; and it is further

ORDERED, that in the event of death of infant plaintiff prior to the payment date as set forth above, and in the event that infant plaintiff has not designated a beneficiary or beneficiaries, payment shall be made to the estate of said infant plaintiff; and it is further

ORDERED, that any and all costs and attorneys' fees, awarded pursuant to 42 U.S.C. §1988, be paid directly to counsel and will not be subtracted from the

proceeds due to plaintiff or infant plaintiff; and it is further

ORDERED, that this Court retains jurisdiction of this action for enforcing or modifying this infant compromise order and for enforcing the terms of the underlying settlement.

Dated: New York, New York
December 5, 2022

SO ORDERED:



Sarah L. Cave
United States Magistrate Judge